

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

PATRICK D. BAKER	§
Plaintiff	§
 	§
V.	§
 	§
JOHN MCHUGH, SECRETARY OF THE ARMY, and RED RIVER ARMY DEPOT	§
Defendants	§
 	§
and	§
 	§
URS FEDERAL SERVICE, Consolidated Defendant	§

No. 5:14CV72

MEMORANDUM ORDER

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. Plaintiff filed objections to the Report and Recommendation. The Court conducted a *de novo* review of the Magistrate Judge's findings and conclusions.

Patrick Baker ("Plaintiff"), proceeding *pro se*, filed objections to the Magistrate Judge's recommendation that Plaintiff's Motion for Default Judgment as to Defendant URS Federal Service be denied. Plaintiff's objections are without merit. As noted by the Magistrate Judge, Defendant URS timely file its motion by the answer date, within 21 days of being served with the summons and complaint. The Court also notes that securing a default judgment is a three-step procedure involving the defendant's default, the entry of default, and the entry of default judgment. *New York Life Ins. Co. v. Brown*, 84 F.3d 137, 141 (5th Cir. 1996). A "default" occurs when the defendant does not

plead or otherwise respond to the complaint. *Id.* And “entry of default” is the notation the clerk makes after the default is established by affidavit. *Id.* And “entry of default judgment” is the entry of judgment based on the entry of default. *Id.*

Here, Plaintiff has not requested that the clerk (or the Court) enter the default nor has the clerk entered any default on the docket. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby **ORDERED** that Plaintiff’s Motion for Default Judgment as to Defendant URS Federal Services (Dkt. No. 29) is **DENIED**.

It is SO ORDERED.

SIGNED this 4th day of September, 2014.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE